

# U.S. Department of Education Staff Report to the Senior Department Official on Recognition Compliance Issues

## Recommendation Page

### 1. **Agency:** New England Commission of Higher Education

( 1952 / 2018 )

(The dates provided are the date of initial listing as a recognized agency and the date of the agency's last grant of recognition.)

### 2. **Action Item:** Petition for Continued Recognition

### 3. **Current Scope of Recognition:**

The accreditation and pre-accreditation ("Candidacy status") of institutions of higher education in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont that award bachelor's master's and/or doctoral degrees and associate degree-granting institutions in those states that include degrees in liberal arts or general studies among their offerings, including the accreditation of programs offered via distance education within these institutions. Jointly with the Commission, this recognition extends to its Executive Committee and also to the Appeals Body for decisions related to the appeal of denial or withdrawal of candidacy; probation; and denial or withdrawal of accreditation.

### 4. **Requested Scope of Recognition:**

The accreditation and pre-accreditation ("Candidacy status") of institutions of higher education including the accreditation of programs offered via distance education and direct assessment within those institutions. Jointly with the Commission, this recognition extends to its Executive Committee and also to the Appeals Body for decisions related to the appeal of denial or withdrawal of candidacy; probation; and denial or withdrawal of accreditation.

Geographic Area of Accrediting Activities: The Unites States.

### 5. **Date of Advisory Committee Meeting:** 02/15/2023

### 6. **Staff Recommendation:**

Continue the agency's recognition as a nationally recognized accrediting agency at this time, and require the agency to come into compliance within 12 months with the criteria listed below, and submit a compliance report due 30 days thereafter that demonstrates the agency's compliance.

### 7. **Issues or Problems:**

Remaining issues, if any, are summarized below and discussed in detail under the Staff Analysis section.

[602.15(a)(4)] --

The agency does not meet the requirements of this section of the criteria. The agency must still demonstrate with documentation agency Policies and Procedures that demonstrates the specific configuration of the review of single purpose institutions; and the clearly identified roles, and responsibilities of educators, practitioners, and/or employers on its evaluation, policy, and decision-making bodies for single purpose institutions that prepare students for a specific profession.

[602.22(a)(2)(i-ii)] --

The agency does not meet the requirements of this section of the criteria. The agency must demonstrate with documentation that its actions are timely and consistent with the application of the agency Policy on Substantive Change (Policy) and clarify the Commission and Commission senior staff decision deadlines in line with the criteria requirements, along with the agency Policy, for a final decision regarding (a)(1)(ii)(J) substantive changes, which the agency narrative and Policy requires a decision be provided within 90 days of receipt of a materially complete

request from the institution; yet not reflected within the documentation provided as evidence to support the agency claim within the narrative.

[602.22(f)(3)] --

The agency does not meet the requirements of this section of the criteria. The agency still needs to provide a definitive definition of rapid growth utilized by the Commission for determining an institution's ability to maintain educational quality at additional locations when rapid growth is evident based on the parameters of an agency established definition.

[602.22(h)] --

The agency does not meet the requirements of this section of the criteria. The agency needs to demonstrate with documentation that their Policy on Substantive Change provides a definitive definition of when the changes made or proposed by an institution are or would be sufficiently extensive to require the agency to conduct a new comprehensive evaluation of that institution.

[602.26(a)] --

The agency does not meet the requirements of this section of the criteria. The agency must demonstrate with documentation the consistent distribution of Commission Notification letters in adherence to the agency Policy on Notification of Actions Affecting the Accreditation Status of Affiliated Institutions and Providing Other Information, which requires the agency to inform the Secretary of the U.S. Department of Education, appropriate state agencies, appropriate accrediting agencies, and the public within thirty (30) days of final actions granting candidacy or accreditation, reaffirming candidacy or accreditation, and changes in accreditation status, as required by the criteria.

[602.26(b)] --

The agency does not meet the requirements of this section of the criteria. The agency must demonstrate with documentation the date, time, and recipients, of the adverse action notification at the same time the institution is notified by the agency. The agency needs to also demonstrate with documentation that institutions are disclosing adverse actions to current and prospective students within seven business days of receipt of the Commission notification communicating the agency's final decision.

[602.26(c)] --

The agency does not meet the requirements of this section of the criteria. The agency must demonstrate with documentation final adverse action notifications are provided to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public at the same time the institution is notified of the decision, but no later than 30 days after it makes the decision, including the date, time, and list of recipients of the correspondence.

[602.26(d)] --

The agency does not meet the requirements of this section of the criteria. The agency must demonstrate with documentation the date and time of adverse action postings to the agency website to reflect that notifications are provided to the public within one business day of notifying the institution of the final decision, pursuant to the criteria.

[602.26(e)] --

The agency does not meet the requirements of this section of the criteria. The agency must demonstrate with documentation the date of adverse action postings to ensure students are notified within seven business days of receipt of the notification. The agency must also provide examples of dated postings of joint statements between the agency and institution regarding adverse actions utilized by the agency to make these actions available to the Secretary, the appropriate State licensing or authorizing agency, and the public no later than 60 days after the decision, which includes the joint statement referenced in the agency narrative.

[602.26(f)] --

The agency does not meet the requirements of this section of the criteria. The agency must still demonstrate with documentation notification to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public of the voluntary withdrawal and lapse of accreditation or preaccreditation of an institution is presented to the aforementioned parties within 10 business days.

## Executive Summary

### PART I: GENERAL INFORMATION ABOUT THE AGENCY

The New England Commission of Higher Education (NECHE), formerly the New England Association of Schools and Colleges, Commission on Institutions of Higher Education (NEASC-CIHE), upon acquiring the responsibilities of the Commission on Institutions of Higher Education (“CIHE”), on June 7, 2017, is an Institutional Accreditor accredited approximately 205 institutions in the six states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont and other higher education institutions within the United States. During the recognition period, the agency informed the Department of its change in geographic area to include institutions within the United States. Thus, the agency's accreditation is used by 201 institutions to establish eligibility to participate in the federal Title IV student financial assistance programs under the Higher Education Act. The agency is recognized for the accreditation and pre-accreditation ("Candidacy status") of institutions of higher education that award bachelor's, master's, and/or doctoral degrees and associate degree-granting institutions that include degrees in liberal arts or general studies among their offerings, including the accreditation of programs offered via distance education and direct assessment within these institutions. The Department received one complaint regarding the agency during this recognition period, which is discussed in the following criteria: §602.16(a)(1)(i-ii and v-vii) and §602.23(c) Complaint Procedures; and one third party comment addressed in §602.16(a)(1)(i) Student Achievement and §602.19(b) Monitoring of the criteria.

Department Staff observed virtual and in-person accreditation activities of the agency during the review period. Specifically, a Focused Site Visit in April 2022 and a Substantive Change Site Visit in June 2022; an in-person Evaluator’s Training and Commission Meeting in September 2022; and a File Review conducted in-person and

virtually September-November 2022.

### **Recognition History**

The New England Commission of Higher Education (NECHE) formerly the New England Association of Schools and Colleges, Commission on Institutions of Higher (NEASC-CIHE) has been on the Secretary's list of recognized accrediting agencies since 1952. Its last full petition for continued recognition was reviewed at the 2018 Winter NACIQI meeting. At that time, the Secretary revised the agency's scope of recognition to, jointly with the Commission, extend recognition to its Executive Committee and also to the Appeals Body for decisions related to the appeal of denial or withdrawal of candidacy; probation; and denial or withdrawal of accreditation and granted renewed recognition to the agency for a period of 5 years. The agency's review for continued recognition is the subject of this analysis.

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## **PART II: SUMMARY OF FINDINGS**

### **602.15 Basic Eligibility, Organizational and Administrative Requirements**

#### **Description of 602.15(a)(4)**

(4) Educators, practitioners, and/or employers on its evaluation, policy, and decision-making bodies, if the agency accredits programs or single-purpose institutions that prepare students for a specific profession;

#### **Analyst Remarks to Narrative:**

The agency has not provided a narrative response or supporting documentation regarding the requirements of the criteria. Specifically, the agency has not addressed the new criteria requirements as of July 1, 2020, which requires educators, practitioners, and/or employers on its evaluation, policy, and decision-making bodies, if the agency accredits programs or single-purpose institutions that prepare students for a specific profession.

Department staff will review additional documentation related to the criteria during a file review scheduled in the Fall.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided a response to the criteria. In particular, the agency attests that specialized and single purpose institutions are accredited by the agency and may hold programmatic accreditation in conjunction with the agency's accreditation. The agency further attests that site visit team evaluators, Commission and Executive Committee members, and Appeal Panelists for specialized and single purpose institutions, like other membership institutions, are subject to the same requirements for the agency Policy on Conflict of Interest. In addition, site visit team members are selected from the agency database utilizing academic and administrative evaluators, which include the documented specialized/focus areas reflected in the institution's mission and methods of delivery to review agency standards, pursuant to the agency Evaluation Manual requirements (exhibit 103 and 338). However, the agency Manual does not demonstrate the inclusion of educators and practitioners on single purpose institutional site visits and the roles of all of the abovementioned bodies within the agency Evaluation Manual are defined as Administrative and Academic.

Further, the agency evidenced the aforementioned site visit configuration with the inclusion of the specialized and single-purpose institution evaluators rosters for 2020 and 2021, which contains the role of the evaluator as an Academic and Admin and the inclusion of educators, practitioners, and/or employers as a relevant focus area for either the Academic or the Admin evaluator on the roster (exhibit 1509R). However, this criterion requires the evaluator's role for single purpose institution's to be either an educator, practitioner, and/or employer, not an Admin and Academic. Similarly, the agency Commission and Executive Committee member roster's, along with the pool of Appeal Panelist, includes administrators and academics also with identified specialization/focus areas that represent educators and practitioners that may be utilized for specialized institutions; however, the role of the members on these roster's reflect the specific role of the decision-maker as an Admin and Academic, which does not meet the requirements of the criterion (exhibits 1510R, 1511R, and 1512R).

**602.22 Required Operating Policies & Procedures**

**Description of 602.22(a)(2)(i-ii)**

(2)

- (i) For substantive changes under only paragraph (a)(1)(ii)(C), (E), (F), (H), or (J) of this section, the agency's decision-making body may designate agency senior staff to approve or disapprove the request in a timely, fair, and equitable manner; and

(ii) In the case of a request under paragraph (a)(1)(ii)(J) of this section, the agency must make a final decision within 90 days of receipt of a materially complete request, unless the agency or its staff determine significant circumstances related to the substantive change require a review by the agency's decision-making body to occur within 180 days.

Analyst Remarks to Narrative:

The agency Policy on Substantive Change, found in 602.22(a)(1)(i), deems the approval of a substantive change as the obligation of the decision making body, the Commission, and does not designate this responsibility to agency senior staff (exhibit 372, found in 602.22(a)(1)(i)). However, the agency has not provided a response or corresponding evidence to address 602.22(a)(2)(ii) of the criteria for analysis.

Department staff will review additional documentation related to the criteria during a file review scheduled in the Fall.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional clarification and documentation. In particular, the agency has changed its response to §602.22(a)(2)(i) with the revisions to the Policy on Substantive Change (Policy) approved by the Commission since the submission of the original petition (exhibit 372R). Specifically, the Policy has been revised to allow senior staff the authority to approve or disapprove proposals for substantive changes pertaining to (C), (E), (F), (H), or (J) of §602.22(a)(1)(ii) of the criteria within 90 days of submission, which is demonstrated in the substantive change documents utilizing senior staff approval as evidence (exhibits 2228R, 2230R, and 2229R). The agency further attests that the Commission's senior staff may also refer the abovementioned substantive change proposal types to the Commission for review and decision within 180 days of submission (exhibit 372R).

Lastly, the agency has now provided a response to the required criteria of §602.22(a)(2)(ii), with the submission of a substantive change proposal in January 2018 received by the Commission during the recognition period, along with the Commission notification letter regarding the March 2018 Commission decision (exhibits 2224-2225). However, the notification letter is dated May 4, 2018, which is outside of the 90 day timeframe the agency attests in the narrative was met. Therefore, the agency's actions do not demonstrate consistent application of its Policy.

**Description of 602.22(f)(3)**

(3) A mechanism, which may, at the agency's discretion, include visits to additional locations, for ensuring that accredited and preaccredited institutions that experience rapid growth in the number of additional locations maintain education quality.

Analyst Remarks to Narrative:

The agency attests that the Policy on the Review of Off-Campus Programming outlines mechanism for ensuring that accredited and preaccredited institutions that experience rapid growth, in the number of additional locations to maintain education quality, are reviewed, which may include visits to additional locations; however, the agency Policy does not define rapid growth. Specifically, the Policy deems institutions not eligible for general approval for off-campus locations if they experience rapid growth in their number of additional instructional locations; and such sites are to be visited within six months of being newly established, pursuant to this Policy and the Policy on Substantive Change (exhibit 327 and exhibit 372, found in 602.22(a)(1)(i)).

Department staff will review additional documentation related to the criteria during a file review scheduled in the Fall.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional explanation and documentation. Specifically, the agency provided the revised Policy on Off-Campus Programming (Policy), which requires the Commission to make a determination for additional location approval for institutions experiencing rapid growth during the Commission's evaluation of the institution's Annual Report (exhibit 327R). However, the agency Policy still does not define rapid growth; nor does this Policy provide the parameters in which the Commission will base their decision on an institution's ability to maintain educational quality due to the rapid growth.

**Description of 602.22(h)**

(h) The agency's substantive change policy must define when the changes made or proposed by an institution are or would be sufficiently extensive to require the agency to conduct a new comprehensive evaluation of that institution.

Analyst Remarks to Narrative:

The agency attests that the Policy on Substantive Change (Policy) designates when the changes made or proposed by an institution are or would be sufficiently extensive to require the agency to conduct a new comprehensive evaluation of that institution (exhibit 372). Specifically, the agency Policy outlines the Evaluation by the

Commission, which defines the types of monitoring the Commission may impose on an institution due to the magnitude, nature, and/or impact of the proposed substantive change, which may include a comprehensive evaluation of the entire institution or the acceleration of the date for an institution's next comprehensive evaluation when the institution proposes extensive changes (exhibit 372). However, the agency needs to clarify whether or not the abovementioned comprehensive review for such a change includes a full cycle of review, including a self-study, site visit and report, institution response, and Commission decision.

Department staff will review additional documentation related to the criteria during a file review scheduled in the Fall.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional clarification to demonstrate adherence to the criteria. Specifically, the agency explains that the Policy on Substantive Change (Policy) stipulates that extensive institutional changes, resulting from the approval of a substantive change, may accelerate an institution's next comprehensive review outside of the ten year accreditation period. The agency further attests that a full cycle of review, including the submission of a self-study by the institution; a site visit and report; institution response; and Commission review and decision notification, are required for an accelerated evaluation (exhibit 372).

However, the agency's current Policy has still not provided a definitive definition of when a New comprehensive evaluation will occur; rather, the Policy refers to an optional requirement of an accelerated date of the existing comprehensive evaluation scheduled for an institution. Further, this criterion specifically requires that the agency Policy "must define" the substantive changes of institutions that would be sufficiently extensive to require the agency to conduct a New comprehensive evaluation of that institution, not an accelerated existing evaluation as demonstrated by the agency.

**602.26 Required Operating Policies & Procedures**

**Description of 602.26(a)**

The agency must demonstrate that it has established and follows written procedures requiring it to provide written notice of its accrediting decisions to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public. The agency meets this requirement if the agency, following its written procedures--

- (a) Provides written notice of the following types of decisions to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public no later than 30 days after it makes the decision:

- (1) A decision to award initial accreditation or preaccreditation to an institution or program.
- (2) A decision to renew an institution's or program's accreditation or preaccreditation;

Analyst Remarks to Narrative:

The agency attests that written notice is provided to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public no later than 30 days after it makes the decision to award or renew accreditation statuses. Specifically, the agency Policy on Notification of Actions Affecting the Accreditation Status of Affiliated Institutions and Providing Other Information outlines the requirements for publicizing and providing agency final decisions to the aforementioned entities within 30 days of a final action by the decision making body, pursuant to the criteria requirements (exhibit 321). In addition, the agency provided a Commission meeting notification letter of final decisions (exhibit 2601); however, the evidence provided does not identify the date, time, and recipients of this correspondence nor has the agency provided screenshots of the agency webpages depicting a summary of these decisions as evidence. The agency must also demonstrate that notifications of agency decisions are reflected within the Database of Accredited Postsecondary Institutions and Programs (DAPIP).

Department staff will review additional documentation related to the criteria during a file review scheduled in the Fall.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional explanation and documentation. In particular, the agency attests that documentation from the original Commission meeting was not available any longer on the agency website, thus the agency provided the April 2022 Commission meeting screenshots to demonstrate adherence to the request within the Staff Determination for the date, time, and recipients of the distributed correspondence provided within exhibit 2601 of the original submission.

In addition, the agency provided screenshots of the list of actions distributed to the Department and other accrediting agencies within the 30-day period for the April 2022 Commission meeting decisions, along with screenshots of the agency website reflecting the Commission actions. The agency also provided the Database of Accredited Postsecondary Institutions and Programs (DAPIP) entries of an institution

from the November 2020 Commission meeting referenced in the original narrative and an institution from the April 2022 Commission decisions as evidence (exhibit 2602R, 2603R, 2604R, and 2605R).

Further, the agency Policy on Notification of Actions Affecting the Accreditation Status of Affiliated Institutions and Providing Other Information states “The Secretary of the U.S. Department of Education, appropriate state agencies, and appropriate accrediting agencies are informed within thirty (30) days of final actions granting candidacy or accreditation, reaffirming candidacy or accreditation, and changes in accreditation status, e.g., moving to the higher degree level. This information is also made available to the public on the Commission website and is otherwise widely distributed.” However, during the file review, Department Staff found inconsistencies with the distribution of Commission Notification letters that reflected the distribution date of Notification Letters for final actions of Positive accreditation decisions after the 30 day timeframe, which the criteria and agency Policy requires. The Analyst Uploads signify evidence of three Commission Notification letters dated and distributed after the 30 days required within the aforementioned agency Policy during the recognition period (examples 1-3).

#### **Description of 602.26(b)**

(b) Provides written notice of a final decision of a probation or equivalent status or an initiated adverse action to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution or program of the decision and requires the institution or program to disclose such an action within seven business days of receipt to all current and prospective students;

#### **Analyst Remarks to Narrative:**

The agency attests that written notice is provided to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution of a final decision of probation or an initiated adverse action; and requires the institution to disclose the action to all current and prospective students within seven business days of receiving the notification. Specifically, the agency Policy on Notification of Actions Affecting the Accreditation Status of Affiliated Institutions and Providing Other Information (Policy) outlines the requirements for providing final decisions by the agency’s decision making body to the aforementioned entities and the institution at the same time, which is no later than 30 days of a final decision to place an institution on probation, defined as an adverse action by the agency, or the denial or withdrawal of accreditation or candidate status (exhibit 321). The agency also attests that the abovementioned decisions are posted on the agency website and issued via a widely distributed press release to the public within one business day of notifying the institution of the final decision on any adverse

action (exhibit 321). However, evidence has not been provided for analysis of the agency posting, the press release, including date, time, and recipients of this correspondence, nor notification postings within the Database of Accredited Postsecondary Institutions and Programs (DAPIP).

The agency Policy further requires the institution to disclose the adverse action to current and prospective students within seven business days of receipt of the letter communicating the final decision (exhibit 321); however, evidence of this requirement has also not been provided for analysis and adherence to the criterion. Department staff will review additional documentation related to the criteria during a file review in the Fall.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional information and documentation. In particular, the agency attests that the requirement for the distribution of press releases regarding adverse actions has been removed from the agency Policy on Notification of Actions Affecting the Accreditation Status of Affiliated Institutions and Providing Other Information (Policy), pursuant to the approved revision by the Commission at the September 2022 meeting (exhibit 321R).

The agency has also provided additional documentation in response to the Staff Determination reflecting screenshots and correspondence of the agency. Specifically, the agency has provided a screenshot of the agency webpage for the April 2022 Commission actions, which demonstrates an institution placed on probation; an email to the institution with the final decision from the agency, along with a formal notification sent, after the institution declined to appeal, including the obligation of the institution to “disclose its status as well as the availability of additional information on its probationary status to prospective students, those currently enrolled, and the public, on its website, in its catalog, and in all recruitment materials;” notification and webpage screenshot of the joint statement from the agency and the institution regarding the probation; and the screenshot of institution's status in DAPIP (exhibits 2603R, 2607R, 2608R, 2609R, 2010R, 2612R, 2620R).

However, the abovementioned documentation the agency provided did not include date and time information in order for Department staff to determine if the same time notification requirement was met. The agency also did not provide documentation demonstrating that all of the required entities were notified, and the provided documentation, specifically exhibit 2609R, did not demonstrate the requirement that all current and prospective students are to be notified within 7 days, nor does the documentation provided demonstrate that these students were notified of the negative action.

### Description of 602.26(c)

(c) Provides written notice of the following types of decisions to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution or program of the decision, but no later than 30 days after it reaches the decision:

(1) A final decision to deny, withdraw, suspend, revoke, or terminate the accreditation or preaccreditation of an institution or program.

(2) A final decision to take any other adverse action, as defined by the agency, not listed in paragraph (c)(1) of this section;

### Analyst Remarks to Narrative:

The agency attests that written notice is provided to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public no later than 30 days after it makes the decision to deny, withdraw, suspend, revoke, or terminate the accreditation or preaccreditation of an institution. Specifically, the agency Policy on Notification of Actions Affecting the Accreditation Status of Affiliated Institutions and Providing Other Information (Policy) defines denial or withdrawal of candidacy, denial or withdrawal of accreditation, and placement on probation as adverse actions; and outlines the requirements for providing final decisions by the agency's decision making body to the aforementioned entities and the institution at the same time, which is no later than 30 days of a final decision of any adverse action (exhibit 321). However, the agency has not provided evidence of the final decision notifications of adverse actions to the abovementioned entities, including date, time, and recipients of this correspondence.

In addition, the agency provided evidence of all adverse actions taken during the recognition period (exhibit 2001); however, the agency must demonstrate that the institutions provided, along with the corresponding final decision notifications of these adverse actions, are reflected within the Database of Accredited Postsecondary Institutions and Programs (DAPIP). Department staff will review additional documentation related to the criteria during a file review in the Fall.

### Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional information and documentation. Specifically, the agency has provided a screenshot of the agency webpage for the April 2022 Commission actions, which demonstrates an institution

placed on probation; an email to the institution with the final decision from the agency, along with a formal notification sent, after the institution declined to appeal; and the notification and webpage screenshot of the joint statement from the agency and the institution regarding the probation; and the screenshot of institutions' status in DAPIP (exhibits 2603R, 2607R, 2608R, 2609R, 2010R, 2612R, 2620R).

In addition, the agency provided all of the withdrawal and probation notification letters for institutions receiving such adverse actions during the recognition period, along with the DAPIP screenshots of the institution's status (exhibits 2625R-2638R).

However, the documentation the agency provided within exhibits 2625R-2638R did not include date and time information in order for Department staff to determine if the same time, but no later than 30 days after it reaches the decision, notification requirement was met. The agency also did not provide documentation demonstrating that all of the criteria required entities were notified of the negative action.

#### **Description of 602.26(d)**

(d) Provides written notice to the public of the decisions listed in paragraphs (b) and (c) of this section within one business day of its notice to the institution or program;

#### **Analyst Remarks to Narrative:**

The agency attests that written notice is provided to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution of a final decision of probation or an initiated adverse action. Specifically, the agency Policy on Notification of Actions Affecting the Accreditation Status of Affiliated Institutions and Providing Other Information (Policy) outlines the requirements for providing final decisions by the agency's decision making body to the aforementioned entities and the institution at the same time, which is no later than 30 days of a final decision to place an institution on probation, defined as an adverse action by the agency, or the denial or withdrawal of accreditation or candidate status (exhibit 321). The agency also attests that the abovementioned decisions are posted on the agency website and issued via a widely distributed press release to the public within one business day of notifying the institution of the final decision on any adverse action (exhibit 321). However, evidence has not been provided of the agency posting nor the widely distributed press release, including date, time, and recipients of this correspondence, referenced in the narrative for analysis.

Department staff will review additional documentation related to the criteria during a file review scheduled in the Fall.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional information and documentation. In particular, the agency attests that the requirement for the distribution of press releases regarding adverse actions has been removed from the agency Policy on Notification of Actions Affecting the Accreditation Status of Affiliated Institutions and Providing Other Information (Policy), pursuant to the approved revision by the Commission at the September 2022 meeting (exhibit 321R).

In addition, the agency has provided screenshots of the April 2022 actions posted on the agency website, which demonstrates an institution placed on probation, along with the joint statement of the of the agency and institution regarding the institution's probation on the agency website which includes the date of the correspondence (exhibits 2603R, 2612R, and 2620R). However, the screenshots provided as evidence do not demonstrate the date or time of the posting of the information to the agency website to reflect that the notification was provided to the public within one business day of notifying the institution of the final decision.

Description of 602.26(e)

(e) For any decision listed in paragraph (c) of this section, requires the institution or program to disclose the decision to current and prospective students within seven business days of receipt and makes available to the Secretary, the appropriate State licensing or authorizing agency, and the public, no later than 60 days after the decision, a brief statement summarizing the reasons for the agency's decision and the official comments that the affected institution or program may wish to make with regard to that decision, or evidence that the affected institution has been offered the opportunity to provide official comment;

Analyst Remarks to Narrative:

The agency attests that written notice provided to the institution of a final decision of an adverse action is to be disclosed to all current and prospective students within seven business days of receiving the notification; and makes available to the Secretary, the appropriate State licensing or authorizing agency, and the public, within 60 days, a summary of agency and institutional comments regarding the decision. Specifically, the agency Policy on Notification of Actions Affecting the Accreditation Status of Affiliated Institutions and Providing Other Information (Policy) defines denial or withdrawal of candidacy, denial or withdrawal of accreditation, and placement on probation as adverse actions; and outlines the requirements for providing final decisions by the agency's decision making body to the aforementioned entities and the institution at the same time, which is no later than 30 days of a final decision of any adverse action; and requires the institution to disclose the adverse action to current and

prospective students within seven business days of receipt of the letter communicating the final decision (exhibit 321). However, evidence of these policy requirements has not been provided for analysis as well as the notification postings within the Database of Accredited Postsecondary Institutions and Programs (DAPIP).

The Policy further requires the agency to make available within sixty days of the final decision of an adverse action a summary of the reasons for any adverse action, any official comments from the affected institution, and/or evidence of the institution's opportunity to provide comments, to the Secretary and abovementioned entities (exhibit 321). However, evidence of the summary of information cited within the agency Policy has not been provided for analysis. Department staff will review additional documentation related to the criteria during a file review in the Fall.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional information and documentation. Specifically, the agency has provided a screenshot of the agency webpage for the April 2022 Commission actions, which demonstrates an institution placed on probation; an email to the institution with the final decision from the agency, along with a formal notification sent, after the institution declined to appeal; and the notification and webpage screenshot of the joint statement from the agency and the institution summarizing the probation; and the screenshot of institutions' status in DAPIP (exhibits 2603R, 2607R, 2608R, 2609R, 2010R, 2612R, 2620R).

However, the agency correspondence from the institution does not specify the date of the posting to ensure students were notified within seven business days of the institution's receipt of the notification. The agency has also not provided evidence of the distribution date of the joint statement between the agency and institution, which is utilized by the agency to make adverse actions available to the Secretary, the appropriate State licensing or authorizing agency, and the public no later than 60 days after the decision.

**Description of 602.26(f)**

(f) Notifies the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and, upon request, the public if an accredited or preaccredited institution or program—

(1) Decides to withdraw voluntarily from accreditation or preaccreditation, within 10 business days of receiving notification from the institution or program that it is withdrawing voluntarily from accreditation or preaccreditation; or

(2) Lets its accreditation or preaccreditation lapse, within 10 business days of the date

on which accreditation or preaccreditation lapses.

Analyst Remarks to Narrative:

The agency attests that notification is provided to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public of the voluntary withdrawal and lapse of accreditation or preaccreditation of an institution within 10 business days. Specifically, the agency Policy on Notification of Actions Affecting the Accreditation Status of Affiliated Institutions and Providing Other Information (Policy) outlines the requirements for publicizing an institutions voluntary withdrawal or lapse in an accreditation status to the abovementioned entities within 10 business days of notification, pursuant to the criteria requirements (exhibit 321). However, the agency has not provided evidence of such notifications to the aforementioned entities or the inclusion of such notifications within the Database of Accredited Postsecondary Institutions and Programs (DAPIP).

Department staff will review additional documentation related to the criteria during a file review in the Fall.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional documentation and information. Specifically, the agency attests that during the recognition period an institution requested to withdraw from accreditation at the June 2021 Commission meeting and the request was accepted with an effective date of June 24, 2021 by the Commission. Thus, the agency has provided the summary of actions, including the voluntary withdrawal from the aforementioned meeting; a screenshot of the institution's status in DAPIP; and a screenshot of the Department and Other accreditors and interested others notification of the withdrawal (exhibits 2614R, 2615R, and 2616R). However, the Department notification is dated Aug 2, 2021 at 4:02 PM, which is inconsistent with the agency Policy on Notification of Actions Affecting the Accreditation Status of Affiliated Institutions and Providing Other Information cited in the original narrative and the criteria, which requires notification to be provided to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies and the public within 10 business days from receiving notification from the institution that it was withdrawing voluntarily from the agency's accreditation.

### PART III: THIRD PARTY COMMENTS

#### **Staff Analysis of 3rd Party Written Comments**

The New England Commission of Higher Education (or the agency) received one third party comment, which noted concerns about the Department's recognition process for the review of accrediting agencies. The Department is bound by

the regulations at 34 C.F.R. § 602 for the review of agency recognition, which define the criteria and process. Department staff have forwarded the comment(s) suggesting changes to the recognition review and process regulations for consideration in the future.

In addition, the comment references metrics specific to outcomes measures to determine success with respect to student achievement. Pursuant to 34 C.F.R. § 602.16(a)(1), an agency must have standards that are sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of the educational training provided by the institutions and programs it accredits. An agency meets this requirement by setting forth clear expectations in its standards for the institutions or programs it accredits to demonstrate, among other things, success with respect to student achievement, which may or may not include specific outcomes. However, the Department is specifically limited by the Higher Education Act of 1965, as amended, at § 496(g), 20 U.S.C. § 1099b(g), from establishing “any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution’s success with respect to student achievement.” Therefore, the Department is prohibited from requiring an agency to use any specific outcome metrics to assess an institution’s/program’s success with respect to student achievement. Department staff does use a range of information and documentation, including student achievement outcomes, in relation to the agencies standards to ensure that an accrediting agency’s standards are sufficiently rigorous.

In the same regard, the comment references ‘possible metrics’ to utilize regarding the review of earnings data of an individual institution accredited by the agency. It should be noted, again, that the Department’s recognition review process assesses whether or not an accrediting agency meets the Secretary’s Criteria for Recognition (Criteria). Department staff use information and documentation related to individual institutions/programs to ensure that an accrediting agency acts in accordance with both its own policies and procedures and with the Criteria. Also, the recognition review process is not intended to review individual institutions/programs that are accredited by the agency. With that said, the Department has requested the agency respond to the third party commenter’s concerns to Dean College within sections §602.16(a)(1)(i) Student Achievement; §602.19(b) Monitoring of the criteria.

### **Agency Response to 3rd Party Written Comments**

**Third Party Comment** The third-party comment raises the issue of what accreditors are doing to address poor student outcomes as well as the efforts of Dean College, specifically. Both of these issues will be discussed in this response. NECHE has several processes in place to review and incorporate student outcomes data into its accreditation decisions and to determine appropriate follow-up monitoring. Since 2017, NECHE has monitored institutions with IPEDS graduation rates for first-time full-time students at or below 25% at four-year institutions and at or below 15% at two-year institutions. If an institution falls into one of these categories, it is asked to submit a report to the Commission that includes: additional data about the retention and graduation rates of this cohort (e.g., the number and percent of students transferring to another institution; the number and percent of students still enrolled at the institution) or other students at the institution (e.g., part-time students, students who transfer into the institution); an explanation of any special circumstances that would explain why the graduation rate for this cohort is not higher; efforts being undertaken by the institution to improve the success of students in earning a degree; and plans to improve student outcomes. These reports are then reviewed by the Commission to determine if future monitoring and reporting is needed. In Spring 2021, for example, Roxbury Community College’s graduation rate was 9%. A graduation rate report was submitted by the College to the Commission (Exhibit 602165R). As part of its action, the Commission affirmed the Notice of Concern for Educational Effectiveness and asked for a progress report in Spring 2022 to update the Commission on the institution’s success in providing an update on the institution’s success in achieving its goals for graduation rates and other institution-specific measures of student success as well as implementing its student success initiatives (Exhibit 602166R). Institutional student outcomes measures are also reported to NECHE as part of the annual reporting process. Those measures are reviewed by NECHE staff and, if there are concerns about an institution’s student outcomes, the data will be shared with the Commission for further action and monitoring. In their interim report and the self-study prepared for a comprehensive evaluation, institutions include an analysis of graduation, retention, and other student success measures appropriate to their mission. Additionally, as part of the interim report, institutions complete a reflective essay on Educational Effectiveness, which includes analysis of student outcomes data and the efforts being undertaken to improve student learning and success. If there are concerns with student outcomes or educational effectiveness at an institution, the Commission, as part of its review and action, will identify further monitoring and reporting. After its evaluation of the Quincy College interim report with focused evaluation in Spring 2022 (Exhibit 602163R), the Commission requested a Fall 2023 progress report that provides an update on the College’s success in achieving its goals for student persistence and retention (Exhibit 602164R). The Commission also has an annual process for reviewing student default and repayment rates. Institutions are asked to prepare a special report to the Commission in those cases for which one or more of the following apply: 1) the three-year cohort default rate exceeds 15% for three consecutive years; 2) the three-year cohort default rate exceeds 20% in any single year; 3) the repayment rate is less than 40% for two consecutive cohorts; 4) the repayment rate is less than 25% for any single cohort. Those reports are reviewed by the Commission, which will determine if further monitoring and reporting is required. The third-party comment mentions the ED’s College Scorecard measure of how many of an institution’s students earned more than the average high school graduate several years after completion. NECHE does not currently include earnings data in its review of institutions; the Scorecard has only released data for graduates one or two years after completing a credential and, as noted

in the College Scorecard Field of Study Data Documentation, “[t]he Department acknowledges that earnings in the early years after graduation may not be indicative of longer-term earnings.” In March 2022, the Scorecard made three-year earning data available for the first time and “plans to provide earnings data points for graduates several years after completion.” As that dataset becomes more robust, NECHE’s newly formed Data and Research Advisory Committee will review and make recommendations to the Committee for the inclusion of these earnings data, as well as other data that may strengthen the Commission’s review of institutional outcomes. The third-party comment also specifically mentions Dean College. Dean College was most recently reviewed by the Commission through the submission of its interim report in Fall 2021 (Exhibit 602161R). In that report, the Interim Report Forms indicate that the College had an overall 150% retention rate of 63% in FY2021 for associate degree students, up from 46% in FY2018, an increase of 37%. Over that same time period, the bachelor degree student retention rate rose from 62% to 68%. The 150% graduation rate increased from 39% in FY2018 to 44% in FY2021 for associate degree students and from 48% to 64% for bachelor degree students. The interim report Data First Forms also include a multi-year analysis of job placement rates by degree; the ratio between the number of grads and the number with jobs is high across its degree programs (i.e., Exercise Science: 2 of its 3 most recent graduates have jobs; Sports Management: 13 of 15 graduates have jobs, and Psychology: 14 of 15 have jobs). Additionally, the College’s default and repayment rates (most recently 14.4% and 46% respectively) have never fallen below the Commission’s thresholds for additional reporting and monitoring. The Commission, in its review of these various metrics, as well as its overall review of Dean College, is confident that the College is making progress in improving student success and student outcomes (Exhibit 602162R). The Commission will continue to monitor Dean College’s outcomes through the reporting processes described above.

### **Staff Analysis of Agency Reponse to 3rd Party Written Comments**

The agency has provided additional documentation and responses to the various portions of the third-party comment within the third-party comment section of the petition and sections §602.16(a)(1)(i) Student Achievement and §602.19(b) Monitoring of the criteria, pursuant to the draft staff analysis, staff determinations. In particular, the agency provided additional explanation concerning efforts applied to the agency review, documentation, and incorporation of student outcomes data from membership institutions into Commission decisions and monitoring, which includes evidence of these efforts from Dean College, cited within the comment, along with other institutions. Specifically, the agency attests that monitoring of membership institutions student outcomes data, including retention and graduation rates, are done through the review of IPEDS data; and annual, interim and self-study reporting collected by the agency. The agency attests that institutions are monitored through IPEDS graduation rate data for first-time full-time students at or below 25% at four-year institutions and at or below 15% at two-year institutions. Those institutions falling within this agency established percentages are required to provide an explanation for low retention and graduation rates, along with an improvement plan for student success and outcomes, which are reviewed and approved by the Commission for additional monitoring, as demonstrated in the institution report and Commission notification letter provided as evidence (exhibits 602165R and 602166R). Supplementary, the agency attests that the monitoring of student success and outcomes are also conducted through the review of annual reports for member institutions; interim and self-study reports within the fifth year of accreditation and the tenth year of accreditation during the comprehensive evaluations. Based upon the Commission’s review of the abovementioned reports, additional progress and monitoring reports may be requested by the agency as well as additional action taken by the Commission, which is demonstrated within the interim report and Commission notification letters provided as evidence (exhibits 602163R and 60264R). Correspondingly, the agency confirms that the measure of earnings data is not conducted for member institutions, since the College Scorecard Field of Study Data Documentation states that earnings in the early years after graduation may not be indicative of longer-term earnings. However, as the Scorecard data is enhanced to include three-year earnings data, the agency attests that the Data and Research Advisory Committee will review and make recommendations to the Committee for the inclusion of these earnings data, as well as other available data that may strengthen the Commission’s review of institutional outcomes. Lastly, the agency addressed the specific concerns regarding Dean College, which consist of the recent review of the institution’s current student outcome rates, including retention, graduation, job placement, default, and repayment rates. The agency attests and the Commission’s overall assessment of the College has determined that the institution is making progress in improving student success and student outcomes (exhibits 602161R and 602162R). The agency has noted that continuous monitoring efforts of the institution may be implemented by the agency upon further review of additional annual reporting and/or the comprehensive evaluation.